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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re Avery M., a Person Coming Under
the Juvenile Court Law.

B217925
(Los Angeles County
Super. Ct. No. FJ45506)

THE PEOPLE,

Plaintiff and Respondent,

v.

EVERY M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County.

Shep Zebberman, Juvenile Court Referee. Affirmed.

Marta I. Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance on behalf of Plaintiff and Respondent.

Avery M. appeals from the order of the juvenile court adjudging him a ward of the court after the trial court sustained a petition filed pursuant to Welfare and Institutions Code section 602, subdivision (a) alleging that he had committed a lewd act upon a child under the age of 14 in violation of Penal Code section 288, subdivision (a).

At trial, the prosecution presented the following evidence: On Sunday, May 3, 2009, appellant, then 13 years old, babysat his sister's neighbor's three-year-old daughter, A.M. The next day, A. reported to her mother and great-grandmother that appellant had touched her between the legs with a black stick from his tummy, and had left a booger on her leg, which he wiped off with a tissue. A.'s mother took the child to Kaiser Permanente, which referred her to the Rape Treatment Center at UCLA Medical Center.

The pediatric nurse practitioner who examined A. on May 4, 2009 testified that A. had redness and bruising on her left labia which was consistent with the history given by A.'s mother.

On May 11, 2009, Detective George Granillo interviewed appellant at the police station. The interview was audiotaped, and the tape was reviewed by the trial court. Appellant denied any inappropriate behavior with A.

On that same day, appellant was interviewed by a second detective, Michelle Jacquet, after having been advised of his *Miranda* rights. (*Miranda v. Arizona* (1966) 384 U.S. 436, 478-479.) The interview was videotaped, and the tape was reviewed by the trial court. Appellant told Jacquet that while he was babysitting A., he decided to masturbate. A. asked him what he was doing; he responded, "Never mind." Appellant then told A. to take off her underwear, got on top of her, and put his penis in the area of her vagina. A. said, "Ouch, it hurts." Appellant made a written statement to the same effect.

At trial, appellant challenged the voluntariness of his confession. The trial court found that it was voluntary, and admitted it into evidence. Appellant also challenged A.'s competency to testify. The trial court found the child competent, and admitted her testimony.

After noting that it had "considered the evidence presented, the exhibits offered, the arguments of counsel, the demeanor of the witnesses, both on tape and in court," the trial court found the allegation to be true. Appellant was ordered suitably placed for a period not to exceed eight years.

Appellant filed a timely notice of appeal. We appointed counsel to represent him on appeal.

After examination of the record, appellant's appointed counsel was unable to identify any arguable issues and so informed this Court. By letter dated December 21, 2009, the Court advised appellant that he has the right to personally submit any contentions he feels the Court should consider. No response has been received to date.

We have examined the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

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ARMSTRONG, Acting P. J.

We concur:

MOSK, J.

WEISMAN, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.